

REMARKS

Claims 1-20 are pending. Claims 1-20 are rejected. No new matter has been added.

Claims 1-7, 10, 12, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 20060233155 to Srivastava ("Srivastava") in view of U.S. Patent No. 7,203,731 issued to Coates et al. ("Coates"). Applicants respectfully traverse this rejection.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. Srivastava and Coates do not teach or suggest all of the claim limitations.

For example, Srivastava and Coates do not teach or suggest "inspecting the payload section of the packet in a network core for use in determining how to route the packet to subscribers," as recited in claim 1. The Office Action cites paragraph 17, lines 1-4 of Srivastava as disclosing this feature. However, paragraph 17, lines 1-4 describe "multi-protocol *label* switching (MPLS)" in which "an *edge* label switch router (edge LSR) creates a label and applies it to packets. The *label* is used by label switch routers (LSRs)...to forward packets." [Emphasis added]. Therefore, Srivastava teaches creating labels at an edge router and using the labels to route the packets. As indicated in the published present application at paragraph [0082] the payload section specifies data or content or an indication of the data or content. Labels are not the "payload section" of the packet, as recited by claim 1.

Indeed, Srivastava goes on to state that "the label is located between the Layer 2 *header* and the Layer 3 *header* of the packet." Paragraph [0017], lines 6-7 [Emphasis added]. As is made clear in claim 1, and as is known to those of ordinary skill in the art, the header of a packet is different than the payload section. Consequently, Srivastava, contrary to the assertions of the Office Action, does not teach inspecting the payload section of the packet for use in determining how to route the packet to subscribers.

Moreover, as indicated above, Srivastava teaches creating the label at an *edge* label switch router. Therefore, Srivastava does not teach inspecting in a network core for use in determining how to route the packet.

Furthermore, Srivastava does not teach or suggest "...determining how to route to subscribers," as recited in claim 1. Indeed, Srivastava makes not mention of subscribers whatsoever. Srivastava is solely concerned with server load balancing and routing from a client to a selected server. Srivastava does not address routing to subscribers, let alone determining how to route to subscribers. Srivastava is simply not concerned with this issue.

Coates does not overcome these defects in Srivastava. Consequently, Srivastava and Coates fail to render obvious claim 1. Dependent claims 2-7 and 10 are not rendered obvious for at least these reasons and their own independent features. For example, Srivastava does not teach or suggest "the inspecting step includes applying a filter to information in the payload section," as recited in claim 3, let alone "propagating the filter to a router," as recited in claim 4. Paragraph [0018] teaches looking up a label value in a label forwarding information base ("LFIB"). This is the label that was created and applied as described above. Neither the label nor the LFIB is a filter that is applied to the payload section of the packet. Consequently, Srivastava does not teach or suggest this feature. Coates does not overcome this defect.

Furthermore, even if Coates did overcome these defects in Srivastava, Coates cannot be combine with Srivastava because Srivastava teaches away from such combination. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) and MPEP § 2143.01. A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) and MPEP 2141.01(b).

In the present instance, the Office Action indicates that Srivastava does not disclose locally caching data and cites Coates for this purpose. However, Srivastava specifically teaches away from locally caching data and, therefore, motivates against such a combination. For example, in paragraphs [0012] to [0013] Srivastava states:

sending DNS queries to many WCCP DNS caches wastes processing cycles and network resources of those caches...Further, caching does not solve all problems associated with content providers. Caching approaches deprive content provides of important content management data, such as usage tracking information that may be vital for billing purposes. Further, a caching approach that allows users to be untraceable is no longer acceptable for security reasons. As a result, *there is a*

need for improved approaches to deliver content to clients without the disadvantages of past approaches.

[Emphasis added]. The entire paragraph [0013], quoted above, discusses the problems and disadvantages of caching. Therefore, in the last sentence, Srivastava is clearly indicating that there is need for approaches other than caching that do not have the disadvantages of caching. Consequently, Srivastava specifically teaches away from locally caching data and being combined with Coates. Therefore, Srivastava cannot be combined with Coates for the purposes set forth in the Office Action. Claim 1, and its dependent claims 2-7 and 10, are allowable for these additional reasons.

Independent claims 12 and 19 recite a network and an apparatus, respectively, that recite similar features to those discussed above in claim 1. For example, claim 12 and 19 recite “inspecting the payload section of the packet in a network core for use in determining how to route the packet to subscribers,” as was recited in claim 1. Consequently, claims 12 and 19 are also not rendered obvious for at least the same reasons as claim 1. Dependent claim 16 is also allowable for these reasons and its own independent features.

Claims 8-9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 20060233155 to Srivastava, in view of U.S. Patent No. 7,203,731 issued to Coates et al., and further in view of U.S. Patent No. 6,813,690 issued to Lango (“Lango”). Claims 8-9 and 17-18 are dependent on claims 1 and 12, respectively. Lango does not overcome the defects of Srivastava and Coates as described above, let alone render Srivastava and Coates combinable. Therefore, claims 8-9 and 17-18 are not rendered obvious for at least the reasons indicated above and their own independent features.

Claims 11, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication 20060233155 to Srivastava, in view of U.S. Patent No. 7,203,731 issued to Coates et al., and further in view of U.S. Patent No. 7,010,578 issued to Lewin (“Lewin”). Claims 11, 15 and 20 are dependent on claims 1, 12, and 19, respectively. Lewin does not overcome the defects of Srivastava and Coates as described above, let alone render Srivastava and Coates combinable. Therefore, claims 11, 15 and 20 are not rendered obvious for at least the reasons indicated above and their own independent features.

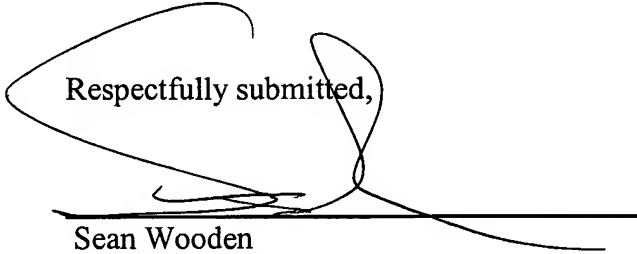
Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication 20060233155 to Srivastava, in view of U.S. Patent No. 7,203,731 issued to Coates et al., and in view of U.S. Patent No. 7,010,578 issued to Lewin, and further in view of U.S. Patent No. 6,813,690 issued to Lango. Claim 13 is dependent on claim 12. Lewin and Lango together do not overcome the defects of Srivastava and Coates as described above, let alone render Srivastava and Coates combinable. Therefore, claim 13 is not rendered obvious for at least the reasons indicated above and its own independent features.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this application.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,



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